

DETAILED ACTION

This office action replaces the previous office action based on missing **Maggio et al. (EP 1339198 A1 B2)**.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, and 6-10 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Maggio et al. (EP 1339198 A1)** in view of **Taniguchi (6,122,250)** further in view of **Kimoto (US 6,920,603 B2)**.

For claims 1, 4 and 6-10 **Maggio** teaches a method/system/software for protecting Ethernet data packets transmitted over SDH/SONET traffic in a ring-like optical network formed by a number of nodes the method being performed at the SDH/SONET layer, (see abstract "a method and device for handling "Ethernet frame

signal in a SDH/SONET network, the SDH/SONET network comprising network elements or nodes... the new layer/network using the resources of SDH/SONET network in such a way as to optimize ...”, paragraphs 1, 7, 9, 11, 15, 16, 20, 33, 36, 51”
In principle, SDH/SONET networks already provide different types of protection (for instance SNCP or MS_SPRING) that can be applied to Ethernet frames as Ethernet frames are encapsulated into SDH/SONET Virtual Containers.”,) and includes utilizing MS-SPRING/BLSR system for SDH/SONET traffic protection and, in case of one or more network failures that result in at least one isolated node in the network (see paragraph 82 *In principle, SDH/SONET networks already provide different types of protection (for instance SNCP or MS_SPRING) that can be applied to Ethernet frames as Ethernet frames are encapsulated into SDH/SONET Virtual Containers.”,*

Maggio does not teach the method comprises preventing initiation of a squelching algorithm of the MS-SPRING/BLSR system with respect to the SDH/SONET virtual containers carrying the data Ethernet packets. Furthermore, **Taniguchi** from the same field of endeavor teaches this limitation (see paragraph 150 “..... a squelch operation is not executed... therefore no squelch operation is carried out between the two.”), Thus, it would have been obvious to the person of ordinary skill in the art at the time of invention to use the Miriello shared optical protection in the Maggio Ethernet over SDH/SONET system. The motivation for this combination is to prevent squelching to use up the SDH/SONET resources.

Neither **Maggio** nor **Taniguchi** teach while ensuring that there is no standardized use of byte J1 (in the network, with respect to the SDH/SONET virtual

containers carrying the Ethernet packets. However, **Kimoto** from the same field of endeavor teaches this limitation (see column 1 lines 54-56 "... unused byte such as the J1"). Thus, it would have been obvious to a person of ordinary skill to leave the J1 byte unused in the Miriello and Maggio system. The motivation for leaving J byte unused is not to waste the SDH/SONET resources. provide more flexible system in terms of SDH/SONET traffic.

2. Claim 2 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Maggio et al. (US 2003/0165153 A1)** in view of **Dupont (US 7,002,976 B2)**

For claim 2 **Maggio** does not teach explicitly a method, wherein the nodes of the network are ADM (Add Drop Multiplexer) nodes, although, it is well known in the art that SONET nodes consist of ADM. Furthermore, **Dupont** from the same field of endeavor teaches this limitation explicitly (*see column 6 lines 9-25*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the ADM of **Dupont** in the SONET network of **Maggio**. The reason for this combination is to provide various incoming local area networks to be routed in the wide area network of SONET.

3. Claim 3 is rejected under 35 U.S.C. 103 (a) as being unpatentable over **Maggio** in view of **Manganini et al. (US 2003/0026203 A1)**.

For claim 3 **Maggio** does not teach a method, wherein the virtual containers of the SDH/SONET traffic are AU-4/AU-3. However, **Manganini** from the same field of endeavor teaches this limitation (*see paragraphs 34 and 39*). Thus, it would have been obvious to the person of ordinary skill in the art at time of invention to use the AU of the **Manganini** in the SDH/SONET transport network of **Maggio**. The motivation for this combination is to distinguish between different traffic.

4. Claim 5 is rejected under 35 U.S.C. 103 (a) as being unpatentable over **Maggio** in view of **Miller (US 7,177,328 B2)**.

For claim 5 **Maggio** does not teach a method, comprising filling the J1 bytes of all the virtual containers carrying the Ethernet traffic by one and the same binary code word, thereby preventing the standardized use of the byte J1. Furthermore, **Miller** from the same field of endeavor teaches this limitation (*see column 10 lines 28-29*). Thus, it would have been obvious to a person of ordinary skill at the time of invention to disable using J1 by using **Miller** switch method in the **Maggio** MS-SPRING system. Furthermore applicant teaches this limitation (*see paragraph 37*). The motivation for this combination is to J1 byte can be used for any application.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: **Mesh et al. (US 2004/0109408 A1), Kam et al. (US 2005/0041601 A1), and Iga (5,570,371).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID OVEISSI whose telephone number is (571)270-3127. The examiner can normally be reached on Monday to Friday 8:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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